| 1 2 3 4 5 6 7 8 | Mark A. Nadeau (Bar No. 011280) mark.nadeau@dlapiper.com Leon Medzhibovsky (pro hac vice) leon.m@dlapiper.com Allison L. Kierman (Bar No. 024414) allison.kierman@dlapiper.com Airina L. Rodrigues (pro hac vice) airina.rodrigues@dlapiper.com DLA PIPER LLP (US) 2525 East Camelback Road, Esplanade II, Suite 1000 Phoenix, AZ 85016-4232 Tel: 480.606.5100 Fax: 480.606.5101 Attorneys for Defendants | |
|--------------------------------------|--|-----------------------------------|
| 9 10 | Hugo Boss USA, Inc. and Hugo Boss Retail, Inc. | |
| 11 | IN THE UNITED ST | TATES DISTRICT COURT |
| 12 | FOR THE DIST | TRICT OF ARIZONA |
| 13 | XY SKIN CARE & COSMETICS, | CASE NO. 2:08-cv-01467-PHX |
| 14 | L.L.C., an Arizona limited liability company, MICKY A. GUTIER, an | 21.02 1(0.2.00 C) 01 10/ 11m1 |
| 15 | individual, and ALBERTO GUTIER III, an individual, | NOTICE OF SETTLEMENT |
| 16 | Plaintiffs, | Before: the Hon. Roslyn O. Silver |
| 17 | v. | before, the from Rossyn O. Shiver |
| 18 | HUGO BOSS USA, INC., a Delaware corporation, HUGO BOSS RETAIL, | |
| 19 | INĈ., a Delaware corporation, XYZ CORPORATION, ABC | |
| 20 | CORPORATION, and JOHN and JANE DOES, | |
| 21 | Defendants. | |
| 22 | HUGO BOSS USA, INC., a Delaware | |
| 23 | corporation, HUGO BOSS RETAIL, INC., a Delaware Corporation, | |
| 24 | Counterclaimants, | |
| 25 | V. VV SVIN CADE & COSMETICS | |
| 26 | XY SKIN CARE & COSMETICS, L.L.C., an Arizona limited liability | |
| 27 | company, MICKY A. GUTIER, an individual, and ALBERTO GUTIER, III, an individual, | |
| 28 | Counterdefendants. | |

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| 1 | Following this Court's Order and Entry of Judgment of February 25, 2011 [Docket | |
|----|---|--|
| 2 | Nos. 151 and 152], the Parties participated in a mediation conference on March 8, 2011. | |
| 3 | During this mediation the Parties agreed to certain terms, including Plaintiffs' waiver of | |
| 4 | any right of appeal from the Order and Judgment of February 25, 2011, and from any | |
| 5 | stipulated Final Judgment requested by the Parties. | |
| 6 | The Parties also agreed to stipulate to a Final Judgment. This judgment will | |
| 7 | amend and supersede the Judgment entered on February 25, 2011, and will be consistent | |
| 8 | with the Order and Judgment of February 25, 2011. | |
| 9 | In light of the foregoing, Hugo Boss respectfully requests that this case be stayed | |
| 10 | and moved to inactive status pending the parties' execution and entry of a stipulated Final | |
| 11 | Judgment. | |
| 12 | RESPECTFULLY SUBMITTED this 11th day of March, 2011. | |
| 13 | By: s/ Leon Medzhibovsky | |
| 14 | DLA PIPER LLP (US) | |
| 15 | Mark A. Nadeau Leon Medzhibovsky | |
| 16 | Allison L. Kierman Airina L. Rodrigues | |
| 17 | Attorneys for Defendants Hugo Boss USA, | |
| 18 | Inc. and Hugo Boss Retail, Inc. | |
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CERTIFICATE OF SERVICE I hereby certify that on March 11, 2011, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants: Thomas P. McGovern McGovern Law Offices 4518 North 32nd Street, Suite 1000 Phoenix, AZ 85018 Attorney for Plaintiffs Pat Kelly s/